

ASSEMBLY BILL

No. 673

Introduced by Assembly Member Santiago

February 25, 2015

An act to amend Section 1203.9 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 673, as introduced, Santiago. Probation and mandatory supervision: jurisdiction.

Existing law requires a court to transfer the case of a person released on probation or mandatory supervision to the superior court in any other county in which the person resides permanently, unless the transferring court determines the transfer would be inappropriate and states its reasons on the record. Existing law requires the court of the receiving county to accept the entire jurisdiction over the case.

This bill would require the receiving court to accept the entire jurisdiction over the case effective the date the transferring court orders the transfer. The bill would provide that when fines or restitution has been ordered by the transferring court and have not been fully paid, those payments shall be made to the transferring court for distribution and accounting. The bill would authorize the receiving court and probation department to amend financial orders, and would authorize the collection agency for the receiving court to collect court-ordered payments from the defendant, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1203.9 of the Penal Code is amended to read:

1203.9. (a) (1) Except as provided in paragraph (3), whenever a person is released on probation or mandatory supervision, the court, upon noticed motion, shall transfer the case to the superior court in any other county in which the person resides permanently, meaning with the stated intention to remain for the duration of probation or mandatory supervision, unless the transferring court determines that the transfer would be inappropriate and states its reasons on the record.

(2) Upon notice of the motion for transfer, the court of the proposed receiving county may provide comments for the record regarding the proposed transfer, following procedures set forth in rules of court developed by the Judicial Council for this purpose, pursuant to subdivision ~~(d)~~ (f). The court and the probation department shall give the matter of investigating those transfers precedence over all actions or proceedings therein, except actions or proceedings to which special precedence is given by law, to the end that all those transfers shall be completed expeditiously.

(3) If victim restitution was ordered as a condition of probation or mandatory supervision, the transferring court shall determine the amount of restitution before the transfer unless the court finds that the determination cannot be made within a reasonable time from when the motion for transfer is made. If a case is transferred without a determination of the amount of restitution, the transferring court shall complete the determination as soon as practicable. In all other aspects, *except as provided in subdivisions (d) and (e)*, the court of the receiving county shall have full jurisdiction over the matter upon transfer as provided in subdivision (b).

(b) The court of the receiving county shall accept the entire jurisdiction over the case *effective the date that the transferring court orders the transfer*.

(c) The order of transfer shall contain an order committing the probationer or supervised person to the care and custody of the probation officer of the receiving county and, if applicable, an order for reimbursement of reasonable costs for processing the transfer to be paid to the sending county in accordance with Section

1 1203.1b. A copy of the orders and any probation reports shall be
2 transmitted to the court and probation officer of the receiving
3 county within two weeks of the finding that the person does
4 permanently reside in or has permanently moved to that county,
5 and ~~thereafter~~ the receiving court shall have entire jurisdiction
6 over the case, *except as provided in subdivisions (d) and (e)*, with
7 the like power to again request transfer of the case whenever it
8 seems proper.

9 *(d) (1) Notwithstanding subdivision (b) and except as provided*
10 *in subdivision (e), if the transferring court has ordered the*
11 *defendant to pay fines, fees, or restitution, the transfer order shall*
12 *require that those and any other collections ordered by the*
13 *transferring court be paid by the defendant to the collection agency*
14 *for the transferring court for proper distribution and accounting.*

15 *(2) The receiving court and receiving county probation*
16 *department may amend financial orders and add additional local*
17 *fees as authorized, and shall notify the responsible collection*
18 *agency of those changes.*

19 *(3) Any local fees imposed pursuant to paragraph (2) shall be*
20 *collected by the collection agency for the receiving court for*
21 *deposit and accounting, and shall not be sent to the collection*
22 *agency for the transferring court.*

23 *(e) (1) A receiving court may elect to collect court-ordered*
24 *payments from a defendant, provided however, that the collection*
25 *agency for the receiving court transmits the funds collected to the*
26 *collection agency for the transferring court for deposit and*
27 *accounting. A collection agency for the receiving court shall not*
28 *charge administrative fees for collections completed for the*
29 *collection agency for the transferring court without an agreement*
30 *with the other agency.*

31 *(2) A collection agency for a receiving court collecting funds*
32 *for a collection agency for a transferring court pursuant to*
33 *paragraph (1) shall not report funds owed or collected on behalf*
34 *of the collection agency for the transferring court as part of those*
35 *collections required to be reported by the court to the*
36 *Administrative Office of the Courts.*

37 ~~(d)~~

38 *(f) The Judicial Council shall promulgate rules of court for*
39 *procedures by which the proposed receiving county shall receive*
40 *notice of the motion for transfer and by which responsive*

- 1 comments may be transmitted to the court of the transferring
2 county. The Judicial Council shall adopt rules providing factors
3 for the court's consideration when determining the appropriateness
4 of a transfer, including, but not limited to, the following:
- 5 (1) Permanency of residence of the offender.
 - 6 (2) Local programs available for the offender.
 - 7 (3) Restitution orders and victim issues.